FARAD CONTINUATION SHEET NO.:

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Civil Application No.501 of 2006
In
Second Appeal (ST) No.6263 of 2006

Office Notes, Office Memoranda of coram, appearances, Court's orders or directions and Registrar's orders.	Court's or Judge's orders.

Mr Vijay D.Patil, for the applicant.
Mr V.S.Talkute for respondent no.2A & 2C.
Mr K.V.Saste, for respondent no.1.

CORAM: D.B.BHOSALE,J.
DATED: 30/08/2007

P.C.:

Heard learned counsel for the parties.

This application is filed by the heirs and legal representatives of deceased defendant no.2 seeking leave to file appeal against the judgment and order of the first appellate court. The appellate court has decreed the suit in the appeal filed by the respondent-plaintiff. Though during pendency of the appeal itself, original defendant no.2 died, his heirs were not brought on record by the respondent-plaintiff. The applicant apprehends that the judgment of the appellate court is likely to be executed affecting his right and hence he is seeking

leave to file appeal. Mr.Talkute, learned counsel for respondent no.2, submits that respondent no.2 has also challenged the judgment passed by the appellate court in second appeal no.626 of 2006 and it is pending for admission. Mr. Saste, learned counsel for respondent no.1, submits that he has no instructions in the matter. Taking the overall facts and circumstances of the case in view and for the reasons stated in the application,it is allowed in terms of prayer clause (a). Office to place the second appeal filed by the applicant along with second appeal no.626 of 2006 for admission after two weeks. The civil application is disposed of.

(D.B.BHOSALE,J.)